

27.03.2024.
26.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 877 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tapan P.S. Case No.125 of 2023 dated 04.03.2023 under Sections 363/365/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : **Ruhul Amin Miah.**

.... Petitioner.

Mr. Biswajit Manna.

...for the Petitioner.

Mr. Antarikhya Basu.

...for the State.

1. Heard the learned Advocates for the parties.
2. Report is placed on record.
3. We have considered the materials on record. Statement of the victim is exonerative in nature. Petitioner is in custody for 130 days.
4. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.
5. Accordingly, the petitioner viz., **Ruhul Amin Miah** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)